



# Public defense reform: HB 5676

The Campaign for Justice supports House Bill 5676, which would create the Michigan Public Defense Act.

## **Two overarching reform goals:**

- A system that meets and enforces minimum American Bar Association and State Bar of Michigan principles for public defense delivery systems.
- A system that has adequate state funding.

## **Essential components of an effective public defense system:**

- A state system, created in the judicial branch, of delivering constitutionally adequate public defense services to individuals eligible for appointed counsel at the trial and appellate levels, as well as in delinquency proceedings, including:
  - A 9-member commission to develop a plan and oversee an office of public defense, appointed by the governor after recommendations from the Michigan supreme court, Michigan judges' association, Michigan district judges' association, criminal defense attorneys association of the state, and from the general public.
  - An office of public defense staffed by trained professionals and headed by a chief public defender.
  - An appellate bureau, headed by a chief appellate defender, to oversee appellate defense functions.
  - Regional offices to oversee the local delivery of public defense services. The number and location of regions will be designated by the commission.

## **Service delivery:**

- The commission establishes the plan to deliver services. Delivery is by a mix of:
  - Public defense offices staffed by public employees.
  - Public defense offices under contract with the office of public defense (nonprofit offices, contract defense offices, county offices).
  - Assigned counsel (required to be part of each region's delivery system).

## **11 Principles:**

- Compliance with the 11 Principles of a Public Defense Delivery System is required by statute. The commission establishes policies implementing those principles.
- The office of public defense establishes procedures to implement the commission plan and policies, including: establishing oversight mechanisms, qualifying and appointing counsel, providing training and resources to attorneys providing public defense services, collecting data and preparing reports to the commission and legislature.
- The office of public defense (and its appellate bureau) appoints counsel, based on the plan established by the commission.
- The statute establishes standards for eligibility determinations and for recouping costs for legal defense services.
  - Juveniles must meet with counsel before waiving representation.

## **Funding:**

- A public defense fund is created to receive funding from all sources.
- The state is responsible for funding the system at a level that complies with its obligations under the U.S. and Michigan constitutions to ensure the right to counsel for its residents.

NOTE: The funding mechanism will be in a separate bill.

## **Michigan Campaign for Justice**

A JUSTICE SYSTEM THAT WORKS FOR ALL



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### Who is the Campaign for Justice coalition?

*ACLU of Michigan*  
*American-Arab Anti-Discrimination Committee of Michigan*  
*American Civil Liberties Union*  
*American Friends Service Committee Criminal Justice Program*  
*Association for Children's Mental Health*  
*Brad Snavelly, Executive Director, Michigan Family Forum*  
*Brennan Center for Justice at New York University School of Law*  
*Citizens Alliance on Prisons and Public Spending - Michigan*  
*Citizens for Traditional Values*  
*Council of Islamic Organizations of Michigan*  
*Criminal Defense Attorneys of Michigan*  
*Criminal Defense Lawyers of Washtenaw County*  
*Crossroads Bible Institute*  
*Constitution Project*  
*Detroit Hispanic Development Corporation*  
*Detroit Life Challenge*  
*Former Michigan Gov. William Milliken*  
*Grand Rapids Bar Association*  
*Hispanic Bar Association of Michigan*  
*Humanity for Prisoners*  
*Innocence Project – Cooley Law School*  
*Jewish Community Relations Council of Metropolitan Detroit*  
*Kalamazoo County Bar Association*  
*Legal Aid and Defender Association, Inc.*  
*Legal Services in Michigan – State Planning Body*  
*Macomb County Bar Association*  
*Metropolitan Organizing Strategy Enabling Strength (MOSES)*  
*Mental Health Association in Michigan*

*Michigan Association for Children with Emotional Disorders*  
*Michigan Board of Rabbis*  
*Michigan Catholic Conference*  
*Michigan Council of Private Investigators*  
*Michigan Council on Crime and Delinquency*  
*Michigan County Social Services Association*  
*Michigan Jewish Conference*  
*Michigan Juvenile Detention Association*  
*Michigan Juvenile Justice Collaborative*  
*Michigan League for Human Services*  
*Michigan Prospect*  
*Michigan Public Defense Task Force*  
*Michigan Unitarian Universalist Social Justice Network*  
*Michigan Women's Commission*  
*Michigan Women's Justice & Clemency Project*  
*NAACP – Michigan State Conference*  
*National Association of Criminal Defense Lawyers*  
*National Association of Legal Investigators*  
*National Association of Social Workers – Michigan*  
*National Conference of Black Lawyers - Detroit Chapter*  
*National Council of Jewish Women, Greater Detroit Section*  
*National Lawyers Guild – Detroit & Michigan Chapter*  
*Partners in Crisis*  
*Prison Fellowship*  
*Temple Kol Ami Social Action Committee*  
*The Provider Alliance*  
*Race Relations Council of Southwest Michigan*  
*Shiawassee County Bar Association*  
*The Specialists, Inc.*  
*Sugar Law Center for Economic and Social Justice*  
*Washtenaw County Office of Public Defender*

*The Campaign for Justice is partnering with the Governor's Office of Faith Based and Neighborhood Partnerships.*

*The Campaign for Justice also works in close partnership with the State Bar of Michigan.*

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